

**RESOLUTION NO. 03-579**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 218, (SOUTH OF 37TH STREET NORTH, EAST OF TYLER) 468-83727**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **STORM WATER DRAIN NO. 218, (SOUTH OF 37TH STREET NORTH, EAST OF TYLER) 468-83727**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Storm Water Drain No. 218, (south of 37th Street North, east of Tyler) 468-83727**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Six Hundred Fifty-three Thousand Dollars (\$653,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**TYLER'S LANDING 2ND ADDITION**

Lots 1 through 27, Block A

Lots 1 through 67, Block B

Lots 1 through 14, Block C

**Unplatted Tract "A"**

That part of the E 1/2 of the NW 1/4 and part of the NE 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas lying westerly of the Missouri Pacific Railroad, (now Kansas – Oklahoma Railroad), right-of-way described as follows: Commencing at the NE corner of said NW 1/4; thence S89°29'40"W (assumed) along the north line of said NW 1/4, 1146.73 feet to the intersection with the westerly right-of-way line of the Missouri Pacific Railroad (now Kansas-Oklahoma Railroad), and for a point of beginning; thence continuing S89°29'40W along the north line of said NW 1/4, 179.57 feet to the west line of the E 1/2 of said NW 1/4; thence S00°13'06"E along the west line of the E 1/2 of said NW 1/4, 1532.31 feet to the NW corner of Reserve "A", Tyler's Landing 2nd Addition, Wichita, Sedgwick County, Kansas; thence S48°43'31"E along the north line of said Reserve "A", 120.15 feet to a deflection corner in said north line; thence N89°31'47"E along the north line of said Reserve "A", 224.65 feet to a deflection corner in said north line; thence S00°28'13"E along the north

line of said Reserve "A", 58.95 feet to a deflection corner in said north line; thence S45°28'13"E along the north line of said Reserve "A", 192.41 feet to a deflection corner in said north line; thence N89°31'47"E along the north line of said Reserve "A", 428.73 feet to a deflection corner in said north line, said deflection corner also being the most westerly corner of Lot 27, Block A, in said Tyler's Landing 2<sup>nd</sup> Addition; thence N50°31'29"E along the northwest line of said Lot 27, 111.67 feet to the most northerly corner of said Lot 27, said corner also being the NW corner of Lake Ridge as dedicated in said Tyler's Landing 2<sup>nd</sup> Addition; thence N42°47'55"E along the north line of said Lake Ridge, 65.71 feet to the NE corner of said Lake Ridge, said NE corner also being the most westerly corner of Lot 67, Block B, in said Tyler's Landing 2<sup>nd</sup> Addition; thence N50°31'29"E along the north line of said Block B, 405.33 feet to a point on the east line of said NW 1/4; thence continuing N50°31'29"E along the north line of said Block B and into said NE 1/4, 17.11 feet to the most northerly corner of said Block B, said most northerly corner also being on the westerly right-of-way line of the Missouri Pacific Railroad, (now Kansas-Oklahoma Railroad); thence N39°28'31"W along the westerly right-of-way line of the Missouri Pacific Railroad, (now Kansas-Oklahoma Railroad), 1831.70 feet to the point of beginning, all being subject to road rights-of-way of record.

#### **Unplatted Tract "B"**

A tract of land in the NW 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas described as follows: Commencing at the NW corner of said NW 1/4; thence N89°29'40"E along the north line of said NW 1/4, 1022.00 feet for a point of beginning; thence S00°30'20"E, 280.00 feet; thence S89°29'40"W, 422.00 feet; thence S45°28'34"W, 211.20 feet; thence S89°44'50"W, 150.00 feet; thence S00°15'10"E, 705.00 feet to a deflection corner in the north line of Lot 7, Block A, Tyler's Landing Addition, Wichita, Sedgwick County, Kansas; thence S37°07'22"E along the northeast line of said Lot 7, 90.91 feet to the NW corner of Lot 16 in said Block A; thence N89°44'50"E along the north line of said Lot 16, 149.67 feet to the NE corner of said Lot 16, said NE corner also being the NW corner of High Pt. as dedicated in said Tyler's Landing Addition; thence easterly along the north line of said High Pt., and along the north line of Lot 1, Block D, in said Tyler's Landing Addition, being a curve to the left, having a central angle of 23°20'54" and a radius of 182.00 feet, an arc distance of 74.17 feet, (having a chord length of 73.65 feet bearing S69°25'46"E) to the P.C.C. of a curve to the left in the north line of said Lot 1; thence easterly along the north line of said Lot 1, having a central angle of 06°10'53" and a radius of 932.00 feet, an arc distance of 100.55 feet, (having a chord length of 100.50 feet bearing S84°11'39"E), to the NE corner of said Lot 1; thence S00°15'10"E along the east line of said Lot 1 and Lot 2 in said Block D, 126.44 feet to the NW corner of Reserve "A" as platted in said Tyler's Landing Addition; thence N89°31'47"E along the north line of said Reserve "A", 330.40 feet to a deflection corner in said north line; thence S00°13'06"E along the north line of said Reserve "A", 73.19 feet to a deflection corner in said north line; thence S45°20'40"E along the north line of said Reserve "A", 127.00 feet; thence N89°31'47"E along the north line of said Reserve "A", 232.07 feet to the NE corner of said Reserve "A", said NE corner also being on the east line of the W 1/2 of said NW 1/4; thence N00°13'06"W along the east line of the W 1/2 of said NW 1/4, 1532.31 feet to the NE corner of the W 1/2 of said NW 1/4; thence S89°29'40"W along the north line of said NW 1/4, 304.30 feet to the point of beginning, all being subject to road rights-of-way of record.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lots 1 through 27, Block A; Lots 1 through 67, Block B; and Lots 1 through 14, Block C; TYLER'S LANDING 2ND ADDITION, shall each pay equally 1/300 of the total cost of the improvements, UNPLATTED TRACT "A" shall pay 81/300 of the total cost of the improvements, and UNPLATTED TRACT "B" shall pay 111/300 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, November 4, 2003.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SCHOFIELD, CITY CLERK

(SEAL)